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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,627	03/06/2002	Bas Ording	P2349-506	4921
Philip W. Marsh BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404				
7590 03/15/2010			EXAMINER	
			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	
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			03/15/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/090,627

**Applicant(s)**

ORDING, BAS

**Examiner**

MYLINH TRAN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Appeal Brief filed 11/24/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 6, 7, 9-14, 16-25 and 27-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 7, 9-14, 16-25, 27-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is responsive to the Appeal Brief, filed 11/24/2009. Claims 1, 4, 6, 7, 9-14, 16-25 and 27-40 are pending in this communication, and this office action is made non-final.

#### **Reopening of Prosecution After Appeal Brief or Reply Brief**

In view of the Appeal Brief filed on 10/19/06, PROSECUTION IS HEREBY REOPENED. The new ground(s) of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,  
(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6, 7, 9-14, 16-25 and 27-40 are rejected under 35

U.S.C. 102(e) as being anticipated by Robertson et al. [US. 6,909,443].

**As to claims 1, 14 and 23**, Robertson et al. teach computer implemented method and corresponding apparatus for providing an aesthetically pleasing transition between a first graphical user interface element associated with a first application running on a computer and a corresponding second GUI element associated with a second application running on the computer (column 8, lines 28-45), the first application being displayed on a computer display in a first window (column 7, lines 16-40) and the second application in a second window (column 7, lines 30-40) comprising the steps/means a first element (column 8, lines 5-15) associated with a first application running on a computer (column 8, lines 15-25) and a second GUI element (column 8, lines 25-45) associated with a second application

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running on the computer (column 9, lines 15-35), the first application being displayed on a computer display in a first window and the second application in a second window (column 10, lines 35-57).

Robertson et al. teach detecting when the first application is active, user selection of the second window to make the second application active (column 13, line 53 through column 14, line 13; column 15, line 42 through column 16, line 14);

removing from the computer display the first GUI element associated with the first application and replacing the first GUI element with the corresponding second GUI element associated with the second application (column 13, line 54 through column 14, line 30);

and in response to detecting the user selection of the first window, providing visual notification of the replacement of the first GUI element with the second GUI element by rendering animation graphics to animate a transition between the display of the first and second GUI elements (column 12, lines 25-38).

**As to claims 4 and 16**, Robertson et al. teach detecting a change comprising detecting a mouse click event (column 13, line 53 through column 14, line 13); the user selection comprising the user clicking on the second window (column 9, lines 52-65 and column 13, line 53 through column 14, line 13).

**As to claims 6-7 and 17**, Robertson al. also show when the first application being active and the second application is closed, the

opening of the second to make the second application active or when the first application is active and the second application is open, the quitting of the first application to make the second application active (column 21, line 50 through column 22, line 20).

**As to claims 9 and 18**, Robertson et al. show providing visual notification being configured to render rotation animation graphics (column 12, lines 30-45).

**As to claims 10 and 19**, Robertson et al. show providing visual notification being configured to render scrolling animation graphics (column 12, lines 30-65).

**As to claims 11-13 and 20-22**, Robertson et al. show animation graphics comprising three-dimensional animation graphics, the three-dimensional animation graphics comprising animation graphics utilizing gray scales and the three-dimensional animation graphics utilize gray scale to virtual lighting effect because Robertson teaches the animated transition between two windows in a three dimensional structure (column 12, lines 30-38).

**As to claims 24-25 and 27**, Robertson et al. teach the first GUI element comprising a first menu bar having a plurality of options pertaining to functions associated with the first application and the second GUI element comprising a second menu bar having a plurality of options pertaining to functions associated with the second application, and wherein the step of replacing comprising retrieving

the options for the second menu bar and displaying the retrieved options at appropriate locations for the second menu bar (column 13, line 53 through column 14, line 33).

**As to claims 28, 31 and 34,** Robertson et al. teach detecting a change between active applications running on a computer from a first application to a second application, the first application being displayed in a first window on the computer's operating system GUI (column 9, lines 52-65 and column 13, line 53 through column 14, line 13) and the second application being displayed in a second window on the computer's operating system GUI (column 9, lines 23-50); and in response to detecting the change between active applications, providing visual notification of the change between active applications by rendering animation graphics to animate a transition between the display of the first and second menu bars (column 13, lines 53-65).

Robertson teach the step of replacing a menu bar being displayed in a menu bar space on the computer's operating system GUI from a first menu bar associated with the first application to a second menu bar associated with the second application (column 14, lines 20-33);

**As to claims 29, 32 and 35,** Robertson teach the first menu bar includes a plurality of options pertaining to functions associated with the first application and the second menu bar includes a plurality of options pertaining to functions associated with the second application, and wherein the step of replacing comprising retrieving the options for

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the second menu bar and displaying the retrieved options at appropriate locations for the second menu bar in the menu bar space (column 13, lines 53 through column 14, line 32).

**As to claims 30, 33 and 36**, Robertson teaches the menu bar space being separate from each of the first and second windows (column 11, lines 18-40).

**As to claim 37**, Robertson teaches the first GUI element is associated with a first application running on a computer, the second GUI element is associated with a second application running on the computer (column 9, lines 18-30), the first application is displayed on the display device in a first area, said first area being a first window (column 9, line 65 through column 10, line 15), the second application is displayed on the display device in a second area, said second area being a second window (column 9, lines 18-30), and the first GUI element (column 10, lines 40-58 ) and the second GUI element (column 11, lines 40-65) are displayed within a third area of the display device (column 12, lines 25-35), the method comprising: detecting, when the first application is active, a user-selection of the second window, said user-selection being received from a data entry device (column 9, lines 52-65 and column 13, line 53 through column 14, line 13); making, based on said detection of the user-selection, the second application active (column 13, lines 52-67); removing the first GUI element from the third area of the computer display (column 14,



lines 35-65); and replacing the first GUI element (column 15, line 60 through column 16, line 25) with the corresponding, second GUI element (column 9, lines 20-45) at the third area of the computer display (column 9, lines 30-55); the step of detecting when the first application is active, user selection of the second window to make the second application active (column 9, lines 52-65 and column 13, line 53 through column 14, line 13).

**As to claim 38**, Robertson teach the step of detecting when the first application is active, user selection of the second window to make the second application active (column 9, lines 52-65 and column 13, line 53 through column 14, line 13) and making the second application active includes bringing the second window to the foreground of the display device (column 13, lines 54-30).

**As to claim 39**, Robertson teaches replacing the first GUI element includes providing visual notification of the replacement of the first GUI element with the second GUI element by rendering on the display device animation graphics of the third area transitioning between the display of the first GUI element and the second GUI element (column 12, lines 25-40).

**As to claim 40**, Robertson teaches the first GUI element comprises a first menu bar having a plurality of options pertaining to functions associated with the first application, and the second GUI element comprises a second menu bar having a plurality of options pertaining

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to functions associated with the second application (column 10, lines 40-60).

### **Response to Arguments**

Applicant's arguments with respect to claims 1, 4, 6, 7, 9-14, 16-25 and 27-40 have been considered but are moot in view of the new ground of rejection.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179